

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JENNY LARSON, individually and on)	
behalf of others similarly-situated,)	
)	Cause No.
Plaintiff,)	
)	Circuit Court of St. Charles Co.
v.)	Case No. 1411-CC00247
)	
DUC TANG D.D.S,)	
HEARTLAND DENTAL CARE, LLC,)	
and JOHN DOES 1-10,)	
)	
Defendant.)	

NOTICE OF REMOVAL

COME NOW Defendants, Duc Tang D.D.S. and Heartland Dental Care, LLC, and file this Notice of Removal of the above-captioned action to the United States District Court for the Eastern District of Missouri, Eastern Division, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, and for grounds hereof respectfully states as follows:

1. On March 13, 2014, Plaintiff Jenny Larson filed her Class Action Complaint in the Circuit Court of St. Charles County, Missouri, Cause Number 1411-CC00247. Plaintiff served Defendant Duc Tang D.D.S. on March 26, 2014, and served

Heartland Dental Care, LLC on March 28, 2014. A copy¹ of the state court file is attached hereto as Exhibit A.

2. Plaintiff's Petition seeks to recover damages for Defendant's alleged violation of the and Telephone Consumer Protection Act of 1991, 47 U.S.C. 227 *et. seq.* ("TCPA"). Specifically, Plaintiff alleges that Defendants violated 47 U.S.C. § 227(b)(1)A(iii), and seeks relief pursuant to 47 U.S.C. 227(b)(3). Plaintiff also alleges that Defendants violated the Missouri Consumer Fraud and Deceptive Business Practices Act. *See*, Exhibit A, State Court file.

4. This Court has original jurisdiction over the subject action pursuant to 28 U.S.C. § 1331 because it arises under a law of the United States, namely the TCPA. Therefore, there is a federal question. *See Mims v. Arrow Financial Services, LLC*, 132 S.Ct. 740 (2012).

5. Because this case raises a federal question, removal to this Court is proper pursuant to 28 U.S.C. § 1441.

6. This Notice of Removal has been filed within thirty (30) days after receipt by Defendant of a copy of Plaintiffs' initial pleadings setting forth the claim for relief upon which said action is based. Therefore, this Notice of Removal has been timely filed pursuant to 28 U.S.C. § 1446.

¹ Excluded from Exhibit A is Plaintiff's Filing Info Sheet eFiling, which is on file with the Circuit Court of St. Charles County. Defendants understand this is a sealed document that is not accessible absent an order from the Circuit Court of St. Charles County. If necessary, Defendants will seek a court order to obtain the document.

7. Pursuant to Local Rules 81-2.03 and 3-2.02, Defendants file herewith the appropriate filing fee, the Civil Cover Sheet, an Original Filing Form, and a Disclosure of Corporation Interests Certificate.

8. Venue is proper in this district under 28 U.S.C. § 1441(a) because this district and division embrace the place in which the removed action has been pending.

9. Notice of this removal has been filed with the Circuit Court of St. Charles County, Missouri, and served upon Plaintiff.

WHEREFORE, Defendants Duc Tang D.D.S. and Heartland Dental Care, LLC, by counsel, remove the subject action from the Circuit Court of St. Charles County, Missouri, to the United States District Court for the Eastern District of Missouri.

BROWN & JAMES, P.C.

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***Attorneys for Duc Tang D.D.S. and
Heartland Dental Care, LLC***

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of April, 2014, the foregoing was mailed via U.S. Mail and filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

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